

REMARKS

Claims 15-22 remain pending. Claims 1-14 and 23 have been canceled without prejudice pursuant to a restriction requirement. Claims 16 and 17 have been withdrawn from consideration, but remain pending in hopes of reaching agreement on allowable language for independent claim 15 (from which they depend). Re-examination and reconsideration of amended claims 15-22 are respectfully requested.

Rejections under 35 U.S.C. § 112

Claim 22 was rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply the written description requirement. More specifically, page 2 of the Office Action mailed on March 24, 2004, asserts that the originally filed specification "does not adequately disclose the liquid coating vaporizing while the coating engages the balloon wall, as recited" in claim 22. Such a rejection is traversed as follows:

Page 14, lines 13-20 of the originally filed specification recite the following:

Cryogenic cooling fluid may optionally pass through a Joule-Thompson orifice adjacent port 83 to effect cooling. In other embodiments, *at least a portion of the cryogenic cooling fluid may exit port 83 into the balloon as a liquid. The liquid will vaporize within the balloon, and the enthalpy of vaporization can help cool the surrounding vessel wall. The liquid may coat at least a portion of the balloon wall so as to enhance even cooling over at least a portion of the vessel wall.* Hence, ports 83 may have a total cross section which is smaller than a cross section of the fluid supply lumen, or which is at least as large as the cross section of the fluid supply lumen.

Hence, the originally filed specification for this case discloses that at least a portion of an inner surface of the balloon wall is coated with a liquid. The highlighted section of the originally filed specification in the above quote also discloses that the liquid vaporizes within the balloon. Furthermore, this portion of the originally filed specification effectively discloses to one of skill in the art that the liquid coating the balloon engages the balloon. Therefore, those of skill in the art presented with the above disclosure, as read in the context of the entire specification, would clearly understand that the inventors had possession of a method for treating a blood vessel in which a liquid coating vaporizes while the coating engages the balloon wall, as well as that such vaporization may provide the advantage of enhancing even cooling over at least a portion of the vessel wall.

As the originally filed specification does provide written disclosure sufficient to convey to one skilled in the art that the inventor had possession of the claimed invention, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, be removed and the claim be allowed.

Rejections under 35 U.S.C. § 103(a)

Claims 15 and 18-22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,283,959 to Lalonde et al. in view of U.S. Patent No. 6,235,019 to Lehmann et al. Such a rejection is traversed. The Lalonde et al. patent was filed on August 23, 1999. The present application is a divisional of U.S. Patent Application No. 09/203,011, which was filed on December 1, 1998. Hence, the Lalonde et al. patent does not pre-date the present invention, and is *not* prior art against the present application.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/978,253
Amdt. dated May 13, 2004
REPLY TO OFFICE ACTION OF MARCH 24, 2004

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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